

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRENTON LIPSCOMB,)	Case No.: 1:24-cv-01306 JLT CDB
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, DISMISSING THIS
v.)	ACTION AS DUPLICATIVE, AND DIRECTING
)	THE CLERK OF COURT TO CLOSE THIS CASE
MAURICE MCKOY, <i>et al.</i> ,)	
)	(Doc. 8)
Defendants.)	
)	
)	

Brenton Lipscomb initiated four actions—by filing four complaints and associated applications to proceed *in forma pauperis*—on October 25, 2024. (Docs. 1, 2.) Upon the filing of the documents, the Court opened Case Numbers: 1:24-cv-01305-JLT-CDB (“Action 1305”), 1:24-cv-01306-JLT-CDB (“Action 1306”), 1:24-cv-01307-JLT-CDB (“Action 1307”), and 1:24-cv-01308-JLT-CDB (“Action 1308”). The assigned magistrate judge ordered Plaintiff to show cause why (1) all four actions should not be consolidated or, in the alternative, (2) why Actions 1305, 1306, and 1307 should not be dismissed, with Action 1308 remaining as the operative case. (Doc. 3.) In response, Plaintiff acknowledged the actions are, at a minimum, related and reviewed the causes of action raised. He requested the four matters be consolidated but did not otherwise address the duplicative nature between this matter and Action 1308. (*See generally* Doc. 5.)

The magistrate judge found that Plaintiff’s four complaints “concern substantially the same facts arising from the same incidents concerning the same parties alleging the same causes of action.”

(Doc. 8 at 5; *see also* 3-5.) In addition, the magistrate judge determined that “Action 1308 includes all the named parties in the other three actions.” (*Id.* at 3.) Further, the magistrate judge found that in response to the OSC, Plaintiff did not identify any reason why this action should be consolidated rather than dismissed. (*Id.* at 5.) Because the matters are duplicative, the magistrate judge recommended “dismissal, rather than consolidation, as the appropriate course of action.” (*Id.*)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 8 at 6.) The Court advised him that the “failure to file objections within the specified time may result in the waiver of the ‘rights to challenge the magistrate judge’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on November 26, 2024 (Doc. 8) are **ADOPTED** in full.
2. This action is **DISMISSED** as duplicative of Case Number 1:24-cv-01308-JLT-CDB.
3. The Clerk of Court is directed to terminate pending motions and close this case.

IT IS SO ORDERED.

Dated: **December 22, 2024**


UNITED STATES DISTRICT JUDGE